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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,628	11/12/2003	Thomas Wolf	926536-94607	7988

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,628

Applicant(s)

WOLF, THOMAS

Examiner

Scott Haugland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/12/03, 10/15/04</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is purported to claim a wrapped scented toilet paper roller, but no wrapper is claimed.

Different terms should be used for the two different solid cylindrical portions, ribbed portions, and pluralities of sixteen ribs recited in claim 1, lines 8, 10, 12, and 15.

It is not clearly set forth in the claims that the ribbed portions recited in claim 1, lines 8 and 10 include the ribs recited in claim 1, lines 12 and 15.

In claim 2, line 1, "said wrapping" lacks sufficient antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (U.S. Pat. No. 5,727,751) in view of Singer (U.S. Pat. No. 4,759,510).

Liu discloses a toilet paper roller comprising a first roller half 30, a second roller half 20, solid cylindrical portions and ribbed portions 50 adjacent to each other and forming portions of curvilinear walls of the first and second roller halves, a plurality of scent releasing elements 54 within a hollow chamber formed by the first and second roller halves. The first roller half 30 has an outer diameter greater than the outer diameter of the second roller half 20. The solid cylindrical portion of the second roller half 20 has a portion (to the right of 12 in Fig. 1) having an expanded diameter.

Liu does not disclose that the scent releasing elements 54 are scented beads.

Singer teaches forming scent releasing elements as beads having scented oil over them.

The spacing of the ribs and the diameters of the first and second roller halves would have been matters of obvious engineering choice to one having ordinary skill in the art since it would have been a routine matter to determine suitable values for use with a typical paper roll. Note that Liu shows at least 16 ribs on each roller half.

It would have been further obvious to form the scent producing element 54 of Liu with a plurality of scented beads having scented oil over them as taught by Singer since Singer teaches that scented beads would be suitable for providing scent in a toilet paper roller.

With regard to claim 3, it would have been obvious to make the roller halves of Liu of thermoplastic since Liu shows the roller halves as plastic and it is old and well known to form plastic articles of thermoplastics to facilitate forming by molding.

With regard to claim 4, Liu discloses cylindrical supports bracing the ribs (at the right end of the ribs of roll half 30 and at the left end of the ribs of half 20 in Fig. 1).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Singer as applied to claim 1 above, and further in view of Mount (Converting Magazine - Metallized Film Barriers: Where to Next?).

Liu is described above.

Liu does not disclose a wrapper comprising a layer of aluminum coated with polyester.

Mount teaches providing a wrapper for an article comprising a layer of aluminum coated with polyester to prevent escape of odor or aroma (see p. 1, paragraph 3; pp. 5-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Liu with a wrapper as taught by Mount to protect the roller and prevent escape of scent during shipping.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klasky (U.S. Pat. No. 2,753,209) is cited to further show a

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scented toilet paper roller. Wilski et al (U.S. Pat. No. 4,852,732) is cited to show a wrapper comprising aluminum and polyester layers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*sjh*  
sjh  
9/13/05

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